

Devils Lake Outlet Management Advisory Committee Meeting Minutes

Wednesday, May 20, 2020; 1:00 pm

GoToMeeting Online Format

**Committee Members Present:**

Joel Anderson (for Kent Vesterso) – Towner County  
Nicole Armstrong – Province of Manitoba, Canada  
Dave Carlsrud (for Mary Lee Nielson) – City of Valley City  
Representative Bill Devlin – ND House of Representatives  
Jeff Frith – Devils Lake Joint Water Resource Board  
Dick Johnson – City of Devils Lake  
Tim Meyer – City of Lisbon  
John Paczkowski – Chairman  
Ben Varnson – Nelson County  
Ken Vein – City of Grand Forks  
Brian Ward (For Bruce Grubb) – City of Fargo  
Jim Ziegler (For Katrina Kessler) – State of Minnesota

**Committee Members Absent:**

Senator Dave Oehlke – ND State Senate  
Michael Steffan – Benson County  
Cindy Schwehr – Barnes County  
Douglas Yankton Sr. – Spirit Lake Nation

Committee Chairman and Interim State Engineer, John Paczkowski called the meeting to order at 1:00 pm. He gave brief opening remarks.

**Presentation**

A PowerPoint titled “Devils Lake Outlet Advisory Update 2020” was presented. The presentation is available on the State Water Commission’s Devils Lake Outlet webpage. **John Paczkowski** presented introductory and background information. This included historical information regarding lake elevations, inflows, and precipitation. **Jim Kaiser**, Lead Forecaster for the NWS in Grand Forks presented climatological information and the most recent lake rise forecast. **Karl Rockeman**, Water Quality Division Director for the ND Department of Environmental Quality presented information about water quality during the 2019 outlet operating season. **Jon Kelsch**, SWC Director of Water Development, continued the presentation with information regarding outlet operations, water quality, Jerusalem Channel survey results, and outlet maintenance. He also spoke about plans for 2020 outlet operations. He said that there were several downstream projects, including work at Bouret Dam, Tolna Dam Bridge Removal, Kathryn Dam, and Baldhill Dam. These projects may require coordination of pumping operations. **Kelsch** stated that the downstream conditions would allow for limited discharge but proposed to wait to start the West End pumps until June 1<sup>st</sup> to save on electrical demand charges that would be costly for so few days of possible pumping in May.

## **Committee Member Status Updates**

**Joel Anderson** – had the opportunity to fly over his farmland recently. Everything that was gained last year, is now back under water. He would like to see the pumps turned on as soon as they can.

**Nicole Armstrong** – In terms of impacts downstream, she said that they are still seeing exceedances of International Joint Commission water quality objectives at the US/Canada border. Specifically, 49% of samples exceeded the 250 mg/L sulfate objective in 2019. Water quality impacts continue to be a concern for downstream communities. She recommends prioritizing West End Outlet operation over the East End Outlet because of the better water quality.

**Representative Bill Devlin** – Agreed with Joel Anderson. He said that farmers have seen 20-50% of their land inundated and would like to see pumping start as soon as possible.

**Jeff Frith** – From a Devils Lake perspective, they have seen the lake rise a couple feet since last summer. He noted that the region “dodged a bullet” and had a perfect melt this past spring which resulted in a lower than projected lake rise. Frith also agreed with Joel Anderson that he wanted to see the pumps started as soon as possible.

**Brian Ward (for Bruce Grubb)** – The City of Fargo has been using the Sheyenne River through the winter and spring for its water supply. He anticipates that they will be shutting the Sheyenne River pumps off as water quality gets better in the Red River in the coming weeks.

**Dick Johnson** – asked a question regarding the high demand charges that would be encountered if the West End Outlet was operated in May. He asked if these charges were a major concern, and what the expected dollar amount was. He said that he thought that running the pumps is a definite benefit to the region, and it would be good to have them running as soon as possible.

**Jon Kelsch** - Estimated that the amount would be about \$40,000 per substation, so about \$80,000. He said that flows at Cooperstown were still not where they needed to be to run the pumps, but with no precipitation, pumping could be a possibility before the end of the month but only for a limited number of days.

**Dick Johnson** – Asked if there was a cost savings when pumps had to be shut down early last fall and asked if the funds saved from that would be available.

**John Paczkowski** – responded that there was some savings from not running as much last year, and he added that they were directed to save where they could. He said that turning the pumps on isn't an overly large dollar amount, they just wanted to bring it to everyone's attention.

**Dick Johnson** – thought that maybe the money could balance out and said that if it came down to just a couple of days, it wouldn't make sense to run the pumps in May.

**Jim Ziegler (for Katrina Kessler)** – Didn't have anything new to add but is still concerned about sulfates and the exceedances. If it is possible, he recommends that the West End pumps run before the East End but also understands the cost aspects of the conversation.

**Tim Meyer** – Supports starting the pumps sooner than later, but also said that if the river conditions don't allow the flow it may make sense to wait until June to startup. He understands the farmland sacrifices that have been made in the region.

**Dave Carlsrud (for Mary Lee Nielson)** – Stated that there is always a struggle with erosion as water comes through Valley City. He would like to see a nice blend of water from the West & East Outlets as it makes the treatment of sulfates easier for the City.

**Ben Varnson** – Said that ranchers and farmers are wondering about the 1448' elevation and when a meeting should take place. He asked Jeff Frith to talk about that.

**Jeff Frith** – Isn't sure that a pumping elevation should be tied to the committee. He thought that the committee should give a recommendation to operate the outlets when possible based on the downstream water quality and quantity limits.

**Ben Varnson** – agreed with that recommendation

**Ken Vein** – Stated that the new water treatment plant in Grand Forks should be running in the next month or so and will be capable of handling the sulfates although they are not in favor high sulfates. Ken asked about how much elevation could be taken off of the lake in 11 days if the West End Outlet was started in May.

**Jon Kelsch** – Said that the elevation taken off would be insignificant, but that it does take volume off the lake, and that adds up throughout the pumping season.

**Ken Vein** – responded that it seems to make sense to keep the West End Outlet off until June considering the added cost and minimal possible discharge.

## **Open Discussion**

**Paul Christenson (Mayor of Churchs Ferry)** – stated that as far as pumping, money is always a topic. He commented that many in the basin have lost money in land that has already been cleaned up once. He wants to see land back, safe, and cleaned up so that farmers can get a return on investment. He stated that a return on investment means more taxes to schools and counties. It is imperative that it gets back into production and stays in production and that fluctuations in lake levels don't impact basin residents continuously. He stated that in the past couple years, the pumps have been off too much and the outlets should be operated as much as possible to lower the lake or at least keep up with the inflow.

**Dick Johnson** – noticed in the presentation that at 1447', Devils Lake and Stump Lake are substantially connected. He commented that maybe 1447' should be the elevation at which future pumping decisions are made.

**Jeff Frith** – read aloud, a letter sent to him by Lee Gessner. A copy of the letter is included at the end of these notes.

There was a discussion between **Jon Kelsch**, **Ben Varnson**, **John Paczkowski**, and **Dick Johnson** about this year's pumping plans regarding what will happen if the lake reaches 1448' and if the pumps will continue to pump past that. John Paczkowski said that the SWC will have to evaluate that if the lake gets to that point. He said that if they were able to reach that elevation early in the season, they would have to consider reconvening the committee for a discussion at that point.

**Jeff Frith** – Made a motion that: "The Committee recommends operating the pumps when possible, at the capacity possible, based on water quantity and quality downstream. No elevation included."

**Joel Anderson** – Seconded the motion.

Discussion was focused on pumping elevations and what would trigger another discussion:

**Jim Ziegler** – was concerned about that motion. For the past several years, the elevation of 1448' was the point at which they would revisit pumping operations. He understands that ND water quality standards were being met, but standards are not being met at the border, or for Minnesota's waters. His position was consistent to what had been agreed to in the past, to have a discussion when it reached 1448' to see if pumping could be modified to better protect water quality.

**Jeff Frith** – quoted ND Century Code 61-36-04 for the duties of the Committee. He noted that it doesn't say anything about lake elevations as being part of their duties in making recommendations.

**Dick Johnson** – said that the intent of the Advisory Committee was to advise the Governor and State Water Commission in making operational decisions, to which John Paczkowski agreed.

**Nicole Armstrong** – suggested that the Committee should reconvene if the lake reaches 1448'. She noted that last year's discussion included comments from individuals regarding the recreational benefits from a higher lake elevation and how to balance low lake elevation concerns with the flooding. There are also impacts to water quality downstream. She didn't suggest stopping pumping at 1448', but rather, revisit the pumping discussion at that time.

**Ken Vein and Jim Ziegler** – both commented that the 1448' elevation was meant to be a trigger for additional discussion, not to stop pumping. They noted that there are several sides to the issue and that the discussion would provide an opportunity to better address downstream water quality concerns.

The discussion then changed to water quality goals:

**Dick Johnson** – Asked for clarification on where ND is meeting water quality standards. He asked about the US/Canada Border objective vs. Cooperstown.

**Jon Kelsch** – replied that the Upper Sheyenne River at Cooperstown sampling site is used to gauge the water quality from the combined outlet discharge because all discharge is blended at that site. He noted that the limit is 750 for sulfate in the Upper Sheyenne River.

**Dick Johnson** – Asked if the limits at the Red River are a goal as opposed to a limit or regulation.

**Jon Kelsch** – replied that the objective at the Canadian Border is 250 for sulfates.

**Nicole Armstrong** – clarified that 250 for sulfates is a water quality objective set by the International Joint Commission and is agreed upon by the two countries.

**Dick Johnson** – asked if we ever meet 250 for sulfates at the border, even without the outlets pumping?

**Nicole Armstrong** – stated that the operations of Devils Lake outlets increases the frequency and severity of exceedances, particularly since the East Outlet became operational. They do see variations in water quality, and there are other factors that contribute sulfates, but they have seen an increase in exceedances. A couple of years ago, there was over a 60% exceedance rate at the border which is a rate that did not occur prior to the operation of the outlets.

**Jim Ziegler** – clarified that last year 49% of the time tests were in exceedance, conversely, 51% of the time, they met water quality standard even with pumping operations.

#### Vote On Motion:

Joel Anderson – Yes

Nicole Armstrong – No

Rep. Bill Devlin – Yes

Jeff Frith – Yes

Brian Ward (City of Fargo) – Not authorized to vote

Dick Johnson – Yes

Jim Ziegler – No

Tim Meyer – No

Dave Carlsrud (Valley City) – Abstain

Ben Varnson – Yes

Ken Vein – Yes

The motion failed to receive 10 yes votes and is not submitted as a majority recommendation. The motion did receive over five yes votes and is noted as a minority recommendation.

**John Paczkowski** said that the SWC will continue to operate as it has done in the past and will take today's conversations into consideration when the lake reaches the 1448' elevation. He thanked the committee for their participation and adjourned the meeting.

Letter submitted to Jeff Frith by Lee Gessner (2020)

I have tried to distance myself from the flood conversation since I have quit farming, for the reason it tends to overwhelm me. You see I have lost really great neighbors' and the connection to the land that I find can't be described or replaced. I have watched people change and not for the better, sadly myself included. All while being told that the two outlets are the best effort that can be mounted due to law. Now the people who have lost all or some portion of their life's work, are being told that the only thing that has been put in place to "help" them, can't be fully utilized because of some other people's economic wants. This is not acceptable. The victims of this flood have had to fend for themselves through this decades long flood. I understand that those of you on this committee can only feel empathy for the victims of this flood. Until you experience the loss this flood brings personally, you can't understand it. The outlet pumps will not restore all the deeded land to the owners, why not use them to their full potential to help those who can benefit. I'll be honest the water quality issue that several of the members will hang their hats on rings hollow with me, but I have come to understand this standard is reality. I will even grant that the outlets should run under this guidance, however I will never agree that they should not be run to the capacity available because of recreational concerns.

I hope today this committee will find the strength to decide to run the outlets to their full potential under the scientific standards that are in place.

Respectfully submitted,

Lee Gessner